

EXHIBIT A

THE HONORABLE MARSHA J. PECHMAN

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DAVID GOLDSTINE,

Plaintiff,

v.

FEDEX FREIGHT, INC., a Washington State
entity; "DOE(S) 1-100", employees of
FEDEX FREIGHT, INC.; and
CORPORATION(S) XYZ 1-100,

Defendants.

Case No. 2:18-cv-01164 MJP

**PLAINTIFF'S THIRD SET OF
INTERROGATORIES AND
REQUESTS FOR PRODUCTION TO
DEFENDANT FEDEX FREIGHT,
INC.**

REQUESTING PARTY: Plaintiff DAVID GOLDSTINE

RESPONDING PARTY: Defendant FEDEX FREIGHT, INC.

SET NO.: THREE

Plaintiff David Goldstine, in his individual capacity herein, hereby serves these Interrogatories and Requests for Production upon Defendant FedEx Freight, Inc. These Interrogatories are served upon you in accordance with Federal Rules of Civil Procedure 33 and 34. Your attention is directed to Fed. R. Civ. P. 26(e) regarding your continuing duty to supplement your answers herein. Answer in the spaces provided (using additional sheets as

1 needed), and verify your answers under oath, signing on the last page. The original of your
2 answers, signed by you, are to be returned to the undersigned attorney within 30 days of service
3 of these Interrogatories upon you.

4 ***THIS IS ALSO A REQUEST FOR PRODUCTION, PURSUANT TO FEDERAL***
5 ***RULE OF CIVIL PROCEDURE 34.***

6 Please produce requested items for inspection and copying at the offices of Ada K.
7 Wong, AKW LAW, P.C., 6100 219th St. SW, Suite 480, Mountlake Terrace, WA 98043, thirty
8 (30) days from the date of service of this set of Interrogatories and Request for Production
9 upon you.

10 Be advised that the Interrogatories and Requests for Production herein apply to all
11 information and items within your knowledge or control, and that of your attorneys, agents,
12 representatives and other persons acting on your behalf. Answer each interrogatory as fully as
13 possible within the time limit, and furnish additional information when it becomes available.

14 If there are any additions, deletions or changes in the answers or information provided
15 at any time prior to trial, you are specifically directed to immediately so inform Plaintiffs'
16 counsel. If additional information is discovered between the time of making these answers and
17 the time of trial, these interrogatories are directed to that information. If such information is
18 not seasonably furnished within a reasonable time prior to trial, the undersigned will move at
19 or before trial to exclude from evidence any such information known to you or in your
20 possession or that of your attorneys, agents, liability insurers, and others acting on your behalf,
21 and will request other appropriate sanctions.

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1 **DEFINITIONS**

2 As used herein:

3 1. **Communication.** The term “communication” means any oral or written
4 expression or exchange of information by speech, writing, or conduct including, but not limited
5 to, in-person conversations, telephone conversations, correspondence, email messages, text
6 messages, electronic instant messages, social media messages, and all other forms of
7 communication.

8 2. **Document.** The term “document” shall be used in its broadcast sense as
9 permitted by Federal Rules of Civil Procedure 26 and 34 and means all writings of every kind
10 including, but not limited to, the original or any legible copy of all records, letters,
11 correspondence, appointment books, diaries, files, notes, statements, memoranda or minutes
12 of meetings, conferences and telephone calls, emails, faxes, receipts, written reports or
13 opinions of investigators or experts, status reports, drawings, charts, photographs, negatives,
14 brochures, lists, schedules, manuals, technical notes or standards, expense accounts, financial
15 statements or audit reports, however produced or reproduced, within your possession or subject
16 to your control, of which you have knowledge or to which you now have or previously had
17 access. The term “document” includes drafts and copies that are not identical duplicates of the
18 originals, and copies of documents, the originals of which are not in your possession, custody,
19 or control.

20 3. **Identity of Individuals.** Where the name or identity of an individual person is
21 requested, or where the term "identify" is used in reference to an individual person, please state
22 with respect to each such person:

23 a. Full name;

- b. Current or last known residence address, and telephone number;
- c. Current or last known business address and telephone number;
- d. All known email addresses;
- e. Current position or occupation;
- f. Employer;
- g. His or her present whereabouts and his or her present employment position and business affiliation at the time in question; and,
- h. Relationship to you.

Unless it otherwise appears from the context, a request for the identity of a person relates to all persons in such classification or category.

4. ***Identity of Document.*** The term “identify”, when used in reference to a document, means to state with respect to each document:

- a. Title of document;
- b. The date of preparation of the document;
- c. The name and title of each author, sender, creator and initiator of such document;
- d. The name and title of recipient, addressee, or party for whom such document was intended (if any);
- e. The nature of the document (e.g., letter, memorandum, tape) and other means of identification sufficient to identify the document for purposes of a request for production, and to further state its present location and custodian;
- f. Source from whom or from which you obtained the document;
- g. Number of pages the document comprises;

1 h. Production number(s); and,

2 i. If any such document was, but no longer is, in your possession or
3 custody or subject to your control, describe what disposition was made of it, and give the name,
4 address and telephone number of the person presently having possession, custody or control of
5 the document.

6 5. ***Identity of Entity.*** The term “identify”, when used in reference to an entity
7 other than a natural person, means to state with respect to each such entity:

- 8 a. Full legal name or title;
9 b. Form of business (i.e. profit corporation, partnership);
10 c. Complete business location and mailing address;
11 d. Telephone and facsimile numbers;
12 e. State of incorporation or juridical organization;
13 f. Address of headquarters of principal place of business; and,
14 g. Relationship to you.

15 6. ***Knowledge or Information.*** Where your knowledge or information in your
16 possession is requested, that request includes knowledge of your agents, representatives,
17 employees and attorneys. When the answer is made by a corporate defendant, the name,
18 address and title of the person supplying the information and the source of such person's
19 information must be included as well.

20 7. ***Sources of Information.*** The phrase "state the source of your information"
21 means to identify the person and the documents from which the information was obtained
22 where your answers are not based upon your own first-hand information.

1 8. **Person.** “Person” means, without limitation, any natural person, proprietorship,
2 companies, firms, corporations, partnerships, limited liability companies, independent
3 contractors, groups, associations, joint ventures, associations, trusts, estates, communities,
4 agencies, institutions, labor unions, or any form of business, social or legal entity, including
5 governmental subdivisions.

6 9. **You/Defendant.** “You” means Defendant FedEx Freight, Inc., located at 6414
7 Hardeson Road, Everett, Washington 98203, and its attorneys, agents, employees, officers,
8 representatives, adjusters, investigators and all other persons who are in possession of or who
9 have obtained information on your behalf.

10 10. **And/or.** “And” or “or” means “and/or,” with the singular form being deemed
11 to include the plural and vice versa.

12 11. **He** or any other masculine, feminine or neuter pronoun means any individual,
13 regardless of sex or entity, to whom the interrogatory or request for production would
14 otherwise apply.

15 12. **Relating to** means to be relevant in any way to the subject matter in questions,
16 including without limitation all information that directly or indirectly contains, describes,
17 records summarizes, evaluates, refers to, is pertinent to, comments upon, or discusses the
18 subject matter or that states the background of, or was the basis for, or that records, evaluates,
19 was referred to, relied upon, used generated, transmitted, or receive din arriving at any
20 conclusion, opinion, estimate, position, decision, belief, or assertion concerning the subject
21 matter.

13. **“Any”** should be understood in either its most or least inclusive sense as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside of its scope.

14. All documents, including records, files, e-mails, correspondence, and memoranda, stored electronically must be produced in its native format, including all metadata.

15. The use of the singular form of any word includes the plural and vice versa. The masculine includes the feminine and neuter genders. The past tense includes the present tense where the clear meaning is not distorted by change of tense. “And” as well as “or” shall be construed disjunctively or conjunctively as necessary to bring within the scope of the request all responses that otherwise might be construed to be outside the scope. “Include” and “including” and variations thereof shall not be interpreted in terms of limitations but shall be deemed to be followed by the words “without limitation.” “Any” shall be construed as synonymous with “every and “all” and shall be all-inclusive.

These discovery requests shall be deemed to be continuing, and, in the event that you discover information that is responsive to these requests, you are to promptly supplement your answers to these requests.

INSTRUCTIONS

1. **Relevant Time Period:** Unless otherwise noted, the relevant time period for which documents and information are requested is **February 1, 2015 to present**.

2. **Scope:** This Request requests production of information and documents that are in your possession, custody, or control, including documents in the possession of your employees, agents, independent contractors, representatives, and attorneys, unless privileged.

1 3. **Objections:** If you object to the information requested by any interrogatory or
2 request for production in whole or in part, or contend that any identified document or
3 information would be excluded from production in discovery, state the reasons for such
4 objections or ground for exclusion, and identify each person having knowledge or the factual
5 basis, if any, on which the objection, privilege, or other ground is asserted.

6 4. **Privileged Documents:** If any document is withheld under claim of privilege,
7 identify the document and state the basis for the privilege, and provide a detailed privilege log
8 that contains at least the following information for each document that you have withheld: (a)
9 the name of each author, writer, sender, creator, or initiator of such document; (b) the name of
10 each recipient, addressee, or party for whom such document was intended or to whom it was
11 sent; (c) the date of such document, or an estimate thereof if no date appears on the document;
12 (d) the general subject matter of the document; and (e) the claimed grounds for withholding
13 the document, including but not limited to the nature of any claimed privilege and grounds in
14 support thereof.

15 5. **Documents No Longer in Possession of Respondent/Destroyed Documents:**
16 If any responsive document is no longer in your possession, custody or control, produce a
17 description of each such document. The description shall include the following:

- 18 a. Name of each author, sender, creator, and initiator of such document;
19 b. Name of each recipient, addressee, or party for whom such document
20 was intended;
21 c. Date the document was created;
22 d. Date(s) the document was in use;
23 e. Detailed description of the content of the document;

f. Reason it is no longer in your possession, custody, or control; and,

g. Current location of the document.

6. **Duty to Supplement:** The Request imposes a continuing duty on you to produce promptly any responsive document, information, or item that comes into your knowledge, possession, custody, or control after your initial production of responses to the requests. You are also required to amend your responses if you discover a previous response was incorrect or incomplete.

DATED April 2, 2019.

AKW LAW, P.C.

/s/ Ada K. Wong

Ada K. Wong, WSBA #45936

Attorney for Plaintiff

6100 219th St. SW, Suite 480

Mountlake Terrace, WA 98043

Tel.: (206) 259-1259

Fax: (855) 925-9529

Email: ada@akw-law.com

DISCOVERY REQUESTS

PLEASE MAKE SURE TO READ THE DEFINITIONS SECTION ABOVE, IN PARTICULAR FOR THE TERM “IDENTIFY” AS RELATED TO INDIVIDUALS AND DOCUMENTS.

INTERROGATORIES

INTERROGATORY NO. 1:

Please identify any and all employees, in-house mechanics, contractors, vendors, third parties, entities, businesses, partnerships and/or other person/entity/party that have performed maintenance work and/or repairs on Defendant FEDEX FREIGHT, INC.’s trailer, identified as equipment no. 2501926 (the trailer door of which Plaintiff DAVID GOLDSTINE was unable to close on or around April 6, 2017). This Interrogatory is limited in time from January 1, 2017 to present.

ANSWER:

INTERROGATORY NO. 2:

Please describe in detail all repairs, maintenance issues, malfunctions, “deadline”/“deadlined” history or other operational problems regarding Defendant FEDEX FREIGHT, INC.’s trailer, identified as equipment no. 2501926 (the trailer door of which Plaintiff DAVID GOLDSTINE was unable to close on or around April 6, 2017), including:

- a) The date of the malfunction or operational problem that required the need for repair, maintenance, or “deadline”/“deadlining”;
- b) The date that repair or maintenance was performed;
- c) Who performed the repair or maintenance; and

1 d) A description of the repair or maintenance performed.

2 This Interrogatory is limited in time from January 1, 2017 to present.

3 **ANSWER:**

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6 **INTERROGATORY NO. 3:**

7 Please identify all past and/or current employees from January 1, 2013 to present that
8 were banned from/not allowed on Defendant FEDEX FREIGHT, INC.'s property/premises as
9 a result of a pending investigation involving said employee, including all dates of said ban,
10 reason(s) for the ban, when the ban was lifted, and why the ban was lifted.

11 **ANSWER:**

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14 **INTERROGATORY NO. 4:**

15 Please identify all past and/or current Road Drivers from January 1, 2013 to present
16 that were banned from/not allowed on Defendant FEDEX FREIGHT, INC.'s
17 property/premises as a result of not being able to drive and/or because said employee was being
18 certified and/or re-certified, including all dates of said ban, reason(s) for the ban, when the ban
19 was lifted, and why the ban was lifted.

20 **ANSWER:**

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INTERROGATORY NO. 5:

Please describe in detail any and all safety meetings during which trailer doors were discussed that Defendant FEDEX FREIGHT, INC. held at its Washington state Service Centers from January 1, 2017 to December 31, 2017, including at the Seattle and Everett locations:

- a) The date of the safety meeting;
- b) The Service Center location of the safety meeting;
- c) Who was present at the meeting;
- d) Who provided instructions and/or training at the meeting; and
- e) The substance of the discussion regarding trailer doors.

ANSWER:

REQUESTS FOR PRODUCTION OF DOCUMENTS

REQUEST FOR PRODUCTION NO. 1:

Please produce all documents, including but not limited to records, maintenance records, repair records, correspondence, invoices, notes, memoranda, meeting notes, meeting minutes, text messages, voice messages, e-mails, letters, investigations, complaints, reports, statements, declarations, and affidavits, in the document(s)' native format, including all drafts and attachments, that refer or relate to Defendant FEDEX FREIGHT, INC.'s trailer, identified as equipment no. 2501926 (the trailer door of which Plaintiff DAVID GOLDSTINE was unable to close on or around April 6, 2017). This request is limited in time from January 1,

1 2017 to present.

2 **RESPONSE:**

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5 **REQUEST FOR PRODUCTION NO. 2:**

6 Please produce all Driver Vehicle Inspection Reports from 2017 for Defendant FEDEX
7 FREIGHT, INC.'s trailer, identified as equipment no. 2501926 (the trailer door of which
8 Plaintiff DAVID GOLDSTINE was unable to close on or around April 6, 2017). This
9 Interrogatory is limited in time from January 1, 2017 to present.

10 **RESPONSE:**

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13 **REQUEST FOR PRODUCTION NO. 3:**

14 Please produce any and all communications authored or received by management,
15 human resources, or any other employee at Defendant FEDEX FREIGHT, INC., including but
16 not limited to David Appesland, Christy Tayman, Ted Carlson, and Tammy Rogers that were
17 sent or received to or from U.S. Healthworks Medical Group of Washington, P.S., its
18 successors, assigns, acquiring entities, and/or Concentra Health Services, Inc. regarding
19 Plaintiff DAVID GOLDSTINE. This Interrogatory is limited in time from January 1, 2017 to
20 present.

21 **RESPONSE:**

REQUEST FOR PRODUCTION NO. 4:

Please produce all documents, including but not limited to records, correspondence, notes, memoranda, meeting notes, meeting minutes, text messages, voice messages, e-mails, letters, investigations, complaints, negotiations, reports, recorded interviews, notes of interviews, statements, declarations, and affidavits, in the document(s)' native format, including all drafts and attachments, that refer or relate to any safety meetings regarding trailer doors that Defendant FEDEX FREIGHT, INC. held at its Washington state Service Centers from January 1, 2017 to December 31, 2017.

RESPONSE:

REQUEST FOR PRODUCTION NO. 5:

Please produce all documents, including but not limited to records, correspondence, notes, memoranda, meeting notes, meeting minutes, text messages, voice messages, e-mails, letters, investigations, complaints, negotiations, reports, recorded interviews, notes of interviews, statements, declarations, and affidavits, in the document(s)' native format, including all drafts and attachments, that refer or relate to any of Defendant FEDEX FREIGHT, INC.'s Reasonable Accommodation Review Procedures that it engaged or participated in regarding Plaintiff DAVID GOLDSTINE from January 1, 2017 to December 31, 2017.

RESPONSE:

REQUEST FOR PRODUCTION NO. 6:

Please produce all documents, including but not limited to records, correspondence, notes, memoranda, meeting notes, meeting minutes, text messages, voice messages, e-mails, letters, investigations, complaints, negotiations, reports, recorded interviews, notes of interviews, statements, declarations, and affidavits, in the document(s)' native format, including all drafts and attachments, that any Defendant FEDEX FREIGHT, INC. Reasonable Accommodation Review (RAR) Committee member or employee drafted or created regarding, referring to, and/or related to Plaintiff DAVID GOLDSTINE from January 1, 2017 to December 31, 2017.

RESPONSE:

REQUEST FOR PRODUCTION NO. 7:

Please produce all documents, including but not limited to records, correspondence, notes, memoranda, meeting notes, meeting minutes, text messages, voice messages, e-mails, letters, investigations, complaints, negotiations, reports, recorded interviews, notes of interviews, statements, declarations, and affidavits, in the document(s)' native format, including all drafts and attachments, regarding, related to, and/or referring to Interrogatory No. 3, above.

RESPONSE:

REQUEST FOR PRODUCTION NO. 8:

Please produce all documents, including but not limited to trainings, materials, handbooks, policies, procedures, manuals, guidelines, bulletins, notes, memoranda, letters, and e-mails, including all attachments, regarding, related to, and/or referring to banning employees from/not allowing employees on Defendant FEDEX FREIGHT, INC.'s property/premises as a result of a pending investigation involving said employee. This Interrogatory is limited in time from January 1, 2017 to present.

RESPONSE:

REQUEST FOR PRODUCTION NO. 9:

Please produce all documents, including but not limited to records, correspondence, notes, memoranda, meeting notes, meeting minutes, text messages, voice messages, e-mails, letters, investigations, complaints, negotiations, reports, recorded interviews, notes of interviews, statements, declarations, and affidavits, in the document(s)' native format, including all drafts and attachments, regarding, related to, and/or referring to Interrogatory No. 4, above.

RESPONSE:

REQUEST FOR PRODUCTION NO. 10:

Please produce all documents, including but not limited to trainings, materials, handbooks, policies, procedures, manuals, guidelines, bulletins, notes, memoranda, letters, and

1 e-mails, including all attachments, regarding, related to, and/or referring to banning Road
2 Drivers from/not allowing Road Drivers on Defendant FEDEX FREIGHT, INC.'s
3 property/premises as result of not being able to drive and/or because said employee was being
4 certified and/or re-certified. This Interrogatory is limited in time from January 1, 2017 to
5 present.

6 **RESPONSE:**

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9 **REQUEST FOR PRODUCTION NO. 11:**

10 Please produce all documents, including but not limited to records, correspondence,
11 notes, memoranda, meeting notes, meeting minutes, text messages, voice messages, e-mails,
12 letters, investigations, complaints, negotiations, reports, recorded interviews, notes of
13 interviews, statements, declarations, and affidavits, in the document(s)' native format,
14 including all drafts and attachments, regarding, related to, and/or referring to the job
15 descriptions and requirements for City Drivers effective from January 1, 2015 to present.

16 **RESPONSE:**

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19 **REQUEST FOR PRODUCTION NO. 12:**

20 Please produce all documents, including but not limited to correspondence, notes,
21 memoranda, meeting notes, meeting minutes, text messages, voice messages, e-mails, letters,
22 investigations, complaints, negotiations, reports, records, recorded interviews, notes of
23 interviews, statements, declarations, and affidavits, in the document(s)' native format,

1 including all drafts and attachments between Katyna Naylor, and any past and/or current
2 FEDEX FREIGHT, INC. employees, including but not limited to David Appesland, Tammy
3 Rogers, and Christy Tayman, regarding and/or related to Plaintiff DAVID GOLDSTINE. This
4 Interrogatory is limited in time from January 1, 2017 to present.

5 **RESPONSE:**

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8 **REQUEST FOR PRODUCTION NO. 13:**

9 Please produce all documents, including but not limited to correspondence, notes,
10 memoranda, meeting notes, meeting minutes, text messages, voice messages, e-mails, letters,
11 investigations, complaints, negotiations, reports, records, recorded interviews, notes of
12 interviews, statements, declarations, and affidavits, in the document(s)' native format,
13 including all drafts and attachments regarding Plaintiff DAVID GOLDSTINE being placed on
14 "stand down mode" by Defendant FEDEX FREIGHT, INC. This Interrogatory is limited in
15 time from January 1, 2017 to present.

16 **RESPONSE:**

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19 **REQUEST FOR PRODUCTION NO. 14:**

20 Please produce all documents, including but not limited to trainings, materials,
21 handbooks, policies, procedures, manuals, guidelines, bulletins, notes, memoranda, letters, and
22 e-mails, including all attachments, regarding, related to, and/or referring to placing Road
23 Drivers of Defendant FEDEX FREIGHT, INC.'s on "stand down mode." This Interrogatory

1 is limited in time from the effective dates from January 1, 2015 to present.

2 **RESPONSE:**

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5 **REQUEST FOR PRODUCTION NO. 15:**

6 Please produce all dispatch reports, fleet maintenance system documents/reports, and
7 pre-trip and post-trip inspection reports as related to Defendant FEDEX FREIGHT, INC.'s
8 trailer, identified as equipment no. 2501926 (the trailer door of which Plaintiff DAVID
9 GOLDSTINE was unable to close on or around April 6, 2017). This request is limited in time
10 from January 1, 2017 to present.

11 **RESPONSE:**

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15 **DATED** April 2, 2019.

16 **AKW LAW, P.C.**

17 /s/ Ada K. Wong

18 Ada K. Wong, WSBA #45936

19 Attorney for Plaintiff

20 6100 219th St. SW, Suite 480

Mountlake Terrace, WA 98043

21 Tel.: (206) 259-1259

22 Fax: (855) 925-9529

23 Email: ada@akw-law.com

ATTORNEY CERTIFICATION

The undersigned counsel for defendant hereby certifies Defendant's responses pursuant to Fed. R. Civ. P. 26(g).

Dated this _____ day of _____, 2019.

Donald H. Snook, KS Bar #21775
Medora Marisseau, WSBA #28169
Attorneys for Defendant FedEx Freight, Inc.

DECLARATION OF RESPONDING PARTY

I declare under the penalty of perjury under the laws of the State of Washington that I am the Defendant in this action OR I am the _____ of _____ and am authorized to make the foregoing answers. I declare that I have read the foregoing answers, know the contents thereof, and believe them to be true and correct.

Dated this _____ day of _____, 2019, at _____, Washington.

Name

Its

Address: _____

CERTIFICATE OF SERVICE

The undersigned certifies under the penalty of perjury under the laws of the State of Washington that I am now and at all times herein mentioned, a citizen of the United States, a resident of the State of Washington, over the age of eighteen years, not a party to or interested in the above-entitled action, and competent to be a witness herein.

On April 2, 2019, I caused a copy of the foregoing **PLAINTIFF'S THIRD SET OF INTERROGATORIES AND REQUESTS FOR PRODUCTION TO DEFENDANT FEDEX FREIGHT, INC.** to be served on the parties listed below in the manner specified below:

Medora A. Marisseau KARR TUTTLE CAMPBELL 701 Fifth Avenue, Ste. 3300 Seattle, WA 98104 E-mail: mmarisseau@karrtuttle.com E-mail: kmejia@karrtuttle.com Donald H. Snook FEDEX FREIGHT, INC. 1715 Aaron Brenner Drive, Suite 600 Memphis, TN 38120 E-mail: donald.snook@fedex.com E-mail: deborah.hill@fedex.com <i>Attorneys for Defendant FedEx Freight, Inc.</i>	<input type="checkbox"/>	VIA FACSIMILE
	<input type="checkbox"/>	VIA FIRST CLASS U.S. MAIL
	<input type="checkbox"/>	VIA MESSENGER/HAND DELIVERY
	<input checked="" type="checkbox"/>	VIA E-MAIL/E-FILE <i>Per 11/30/18 Stipulation</i> <i>Regarding Electronic Service</i>

DATED this 2nd day of April, 2019.

/s/ Kaila A. Eckert

Kaila A. Eckert, Paralegal